



Reprinted  
March 4, 2014

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## ENGROSSED HOUSE BILL No. 1061

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DIGEST OF HB 1061 (Updated March 3, 2014 4:30 pm - DI 104)

**Citations Affected:** IC 25-13.

**Synopsis:** Dental hygiene practice. Allows a dental hygienist to practice under prescriptive supervision in a dental office or clinical setting if certain conditions are met. Removes certain provisions that limit a dental hygienist to practice in specific settings under prescriptive supervision. Prohibits a dental hygienist from using a laser to provide treatment to a patient. Requires the board of dentistry to report to the legislative council on the effectiveness of dental hygiene prescriptive supervision laws.

**Effective:** July 1, 2014.

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**Frizzell, Slager, Klinker,  
Shackleford**

(SENATE SPONSORS — LEISING, BREAUX)

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January 7, 2014, read first time and referred to Committee on Public Health.  
January 23, 2014, amended, reported — Do Pass.  
January 27, 2014, read second time, ordered engrossed. Engrossed.  
January 28, 2014, read third time, passed. Yeas 90, nays 5.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Health and Provider Services.  
February 27, 2014, amended, reported favorably — Do Pass.  
March 3, 2014, read second time, amended, ordered engrossed.

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EH 1061—LS 6291/DI 77





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March 4, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1061

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.134-2008,  
2       SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2014]: Sec. 2. As used in this article:  
4       (a) "Dental hygienist" means one who is especially educated and  
5       trained in the science and art of maintaining the dental health of the  
6       individual or community through prophylactic or preventive measures  
7       applied to the teeth and adjacent structures.  
8       (b) "License" means the license to practice dental hygiene issued by  
9       the state board of dentistry to dental hygienist candidates who  
10      satisfactorily pass the board's examinations.  
11      (c) "Board" means the state board of dentistry established by  
12      IC 25-14-1.  
13      (d) "Proprietor dentist" means a licensed dentist who is the owner  
14      and operator of the dental office in which ~~he~~ **the licensed dentist**  
15      practices the profession of dentistry and who employs at least one (1)  
16      dentist or dental hygienist to supplement ~~his~~ **the licensed dentist's**

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operation and conduct of ~~his~~ **the licensed dentist's** dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement ~~his~~ **the proprietor dentist's** dental service to ~~his~~ **the proprietor dentist's** clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

(i) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental hygienist.

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if:

**(1) the dental hygienist has completed at least three (3) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;**

**(2) a licensed dentist has:**

**(A) provided the patient with a comprehensive oral examination; and**

**(B) issued a written prescription for the care to be provided;**

**within the previous forty-five (45) days; and**

**(3) the patient has a current medical history on file. ~~examined the patient and has prescribed the patient care within the previous forty-five (45) days.~~**

SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.134-2008, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

(1) A dental office or clinical setting ~~except as described in subdivisions (3) through (5);~~ where the dental hygienist is practicing under the direct supervision **or prescriptive supervision** of a legally practicing dentist.

(2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.



(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

(A) fixed charitable dental care clinic;

(B) public health setting; or

(C) correctional institution;

that has been approved by the board and where the dental hygienist is under the direct or prescriptive supervision of a licensed dentist.

(b) A licensed dental hygienist may provide without supervision the following:

(1) Dental hygiene instruction and in-service training without restriction on location.

(2) Screening and referrals for any person in a public health setting.

**(c) A dental hygienist may not use a laser to provide treatment to a patient.**

**(d) The board shall adopt rules under IC 4-22-2 to implement this section.**

**(e) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the legislative council in an electronic format under IC 5-14-6 on the effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision. This subsection expires December 31, 2017.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1061, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "within the previous year."

Page 3, line 3, after "a" insert **"written"**.

Page 3, line 4, delete "ninety (90)" and insert **"forty-five (45)"**.

Page 3, line 5, delete "." and insert **"and the care must be limited to the care prescribed by the dentist."**

Page 3, between lines 26 and 27, begin a new paragraph and insert:

**"(c) A dental hygienist who is practicing under a written prescription of a dentist may not use a laser to provide treatment to a patient.**

**(d) Notwithstanding subsection (a)(3), a dental hygienist must have at least three (3) years of active practice as a dental hygienist before practicing under a written prescription of a dentist.**

**(e) The board shall adopt rules under IC 4-22-2 to implement this section.**

**(f) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the health finance commission on the following:**

**(1) The effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision.**

**(2) The effectiveness of dental hygienists administering nitrous oxide and any changes that are needed in the law concerning the administration of nitrous oxide.**

**This subsection expires December 31, 2017."**

Page 3, line 29, reset in roman "(a)".

Page 3, line 35, strike "and".

Page 3, between lines 35 and 36, begin a new line block indented and insert:

**"(2) completed training in administration of local anesthetics and analgesics from an institution accredited by the Commission on Dental Accreditation of the American Dental Association; and"**

Page 3, line 36, strike "(2)" and insert **"(3)"**.

Page 3, line 37, reset in roman "(b)".



Page 3, line 38, after "analgesics." insert **"Notwithstanding subsection (a), a dental hygienist may not administer nitrous oxide after July 1, 2018."**

Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1061 as introduced.)

CLERE, Chair

Committee Vote: yeas 11, nays 0.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1061, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 18, reset in roman "if a licensed dentist has examined the".

Page 2, reset in roman lines 19 through 20.

Page 2, line 29, after "(B)" insert **"until June 30, 2018,"**.

Page 2, line 30, delete "if" and insert **"if:**

**(i)"**.

Page 2, line 32, delete "." and insert **"by a dentist; and**

**(ii) a written prescription for care has been issued by the dentist within the previous forty-five (45) days and the care is limited to the care prescribed by the dentist."**

Page 3, delete lines 2 through 6.

Page 3, line 28, delete "who is practicing under a written".

Page 3, line 29, delete "prescription of a dentist".

Page 3, line 37, delete "health finance" and insert **"legislative council in an electronic format under IC 5-14-6"**.

Page 3, line 38, delete "commission".

Page 3, line 38, delete "following:".

Page 3, line 39, delete "(1) The".

Page 3, run in lines 38 through 39.

Page 3, delete line 42.

Page 4, delete lines 1 through 2.



Page 4, delete lines 4 through 20.  
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1061 as printed January 24, 2014.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0.

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### SENATE MOTION

Madam President: I move that Engrossed House Bill 1061 be amended to read as follows:

Page 2, line 18, after "if" insert ":

**(1) the dental hygienist has completed at least three (3) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;**

**(2)".**

Page 2, line 18, after "has" insert ":

**(A) provided the patient with a comprehensive oral examination; and**

**(B) issued a written prescription for the care to be provided;**

**within the previous forty-five (45) days; and**

**(3) the patient has a current medical history on file."**

Page 2, line 18, strike "examined the".

Page 2, strike lines 19 through 20.

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.134-2008, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

(1) A dental office or clinical setting ~~except as described in subdivisions (3) through (5);~~ where the dental hygienist is practicing under the direct supervision **or prescriptive supervision** of a legally practicing dentist.

(2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.





(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school where the dental hygienist is practicing under the direct or prescriptive supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

(A) fixed charitable dental care clinic;

(B) public health setting; or

(C) correctional institution;

that has been approved by the board and where the dental hygienist is under the direct or prescriptive supervision of a licensed dentist.

(b) A licensed dental hygienist may provide without supervision the following:

(1) Dental hygiene instruction and in-service training without restriction on location.

(2) Screening and referrals for any person in a public health setting.

**(c) A dental hygienist may not use a laser to provide treatment to a patient.**

**(d) The board shall adopt rules under IC 4-22-2 to implement this section.**

**(e) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the legislative council in an electronic format under IC 5-14-6 on the effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision. This**



**subsection expires December 31, 2017."**

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1061 as printed February 28, 2014.)

MILLER PATRICIA

